

## **Sanctuary Advisory Council**

### *Fortieth Meeting*

Thursday, May 12, 2005

8:30 a.m. to 2:00 p.m.

Honolulu International Airport

Inter-Island Conference Center

## **FINAL MINUTES**

### **Attendance**

#### *Primary Council Members Present:*

Jim Coon, Liz Corbin, Bill Friedl, Lou Herman, Dave Hoffman, Becky Hommon, Eric Kingma, Marc Lammers, Teri Leicher, Richard McCarty, Naomi McIntosh, Jerry Norris, Dick Poirier, Jeanne Russell, Don Thornburg, Jeff Walters, Terry White, Bob Wilson, Michelle Yuen.

#### *Alternate Council Members Present:*

Rich Brunner (for Mike Stanton), Adam Pack, Terry Rice, Dean Watase (for Glenn Soma), Mike Watson (for Terry O'Halloran), Reg White.

#### *Excused:*

Cindy Barger, Athline Clark, Nancy Daschbach, Tamra Faris, June Harrigan-Lum, Kimokeo Kapahulehua, Terry O'Halloran, Sara Peck, John Reghi, Glenn Soma, Mike Stanton, `Aulani Wilhelm.

#### *Others Present:*

HIHWNMS: Keeley Belva, Chris Brammer, Allen Tom.

PUBLIC: John Broadwater, Michael Chambers, John Corbin, Andrea Fujinaga, Lee Fujinaga, Ruth Tenda, Hans Van Tilburg.

### **Distributed Materials**

- Meeting Agenda
- Final Meeting Minutes (01/20/05)
- Meeting Action Items
- Sanctuary Manager's Report
- State Co-Manager's Report
- Education Committee Report
- Summary Document: Implementing a Regional Structure
- Draft Hawaii Superferry Whale Avoidance Policy
- Final Resolution for Hawaii Superferry
- Letter Regarding the Council Chairs & Coordinators Meeting
- Sanctuary Advisory Council Facts 2004/2005

- Response to Resolution for Supporting an Increased Budget
- Officer Election Ballot

### **Call to Order**

*The purpose of this meeting is to plan for the FY 2006 whale season and activities.*

Teri Leicher, as acting secretary, took roll and the chair called the meeting to order at 8:45. Council chair, Jim Coon, requested permission to move the agenda item electing new officers to an earlier time in the meeting. Bill Friedl motioned to hold elections as the first order of business, and Don Thornburg seconded; the motion passed unanimously.

### **Officer Elections**

It was noted that Council member Dick Poirier was not present at the meeting. Mr. Poirier had previously expressed concern about the SAC election process and members discussed waiting to hold the elections until Mr. Poirier arrived to the meeting. Jerry Norris motioned that the elections be postponed until Dick Poirier arrived at the meeting. Liz Corbin seconded, and the motion passed unanimously.

### **Approval of Meeting Minutes**

A motion was made to accept the minutes from the March 17, 2005 Council meeting. The motion carried unanimously.

### **Public Forum**

- Naomi McIntosh welcomed John Broadwater, manager of Monitor National Marine Sanctuary and Program Manager of NOAA's Maritime Heritage Program

### **Presentations**

- Allen Tom, National Marine Sanctuary Program (NMSP) Pacific Islands Regional Coordinator discussed plans for the regionalization of the NMSP. He explained that the proposed regional structure would establish four regions: 1) Northeast, Mid-Atlantic, and Great Lakes, 2) Southeast, Gulf of Mexico, and Caribbean; 3) West Coast; and 4) Pacific Islands. One of the regions main purposes is to maximize program integration among the sites, regions, national program, and other NOAA programs and partners at all levels. He introduced the two main program focuses of the Pacific Island Region—maritime archeology and global information systems (GIS) and announced that Hans Van Tilburg would be providing an overview of maritime archeology activities related to the Humpback Whale Sanctuary following his introduction. Lastly, Mr. Tom thanked everyone who helped with the recent Hi`ialakai education cruise that was hosted by the sanctuary and mentioned a great partnership that the National Marine Sanctuary is building with the University of Hawai`i research facility at

Coconut Island. In addition, Mr. Tom provided the Council with a quick update of the NOAA Consolidation project proposed for Ford Island.

- Hans Van Tilburg, Maritime Archeologist for the NMSP Pacific Islands Region provided a brief summary of the maritime archeology program. He explained that there are a number of archeological sites within the Sanctuary including Shipwreck Beach on Lanai, an aircraft off of Oahu and the Japanese submarine in Pearl Harbor. Dr. Van Tilburg said that the program's focus for HIIWNMS is to further explore Hawaii's whaling heritage and the whaling ships located in Sanctuary waters.

### **Officer Elections continued**

Dick Poirier helped to guide the council through the election process and asked that nominations be taken from the floor. There were no additional nominations. The nominees for the officer elections were: Chair—Terry O'Halloran, Vice Chair—Terry O'Halloran and Jim Coon, Secretary—Teri Leicher, Sara Peck.

The results of the election were as follows:

- Chair—Terry O'Halloran was unanimously elected by acclamation
- Vice-Chair—Jim Coon was unanimously elected by acclamation
- Secretary—Teri Leicher was elected by written ballot with a vote of 15-1-1

Naomi McIntosh thanked Mr. Coon for his almost 10 years of service as chair of the advisory council. Mr. Coon continued to preside over the meeting as vice chair, as Terry O'Halloran was not in attendance.

### **Presentations continued**

- Lou Herman, Conservation Representative — Dr. Herman gave a presentation on a project that he was involved in, partnering with National Geographic. The project attached "Critter Cams" to various humpback whales to monitor their behavior. He said that the purpose of the project was to understand the mating behaviors of the whales. Critter Cams are animal borne video cameras and data logging systems that are attached to the animal for an extended period of time and then released. Dr. Herman showed several video clips from the Critter Cam footage to the Council.
- John Corbin, Aquaculture Development Program—Mr. Corbin addressed the Council regarding past aquaculture projects around the state. He pointed out that there had been no incidents of whales interfering with the aquaculture facilities.
- Michael Chambers, Pacific Ocean Ventures—Mr. Chambers is the project manager for Pacific Ocean Ventures (POV), which is proposing an aquaculture facility off the coast of Maui, near Olowalu. He said that the

company began researching sites for a facility in 2002 and met with the Sanctuary managers and other community members. He wanted to discuss any concerns that the Council had with the project. Lou Herman was concerned with entanglements and Naomi McIntosh clarified that the sanctuary was unaware of any entanglement incidents reported in Hawaii, however the Sanctuary had consulted with whale research scientists who expressed concern about the risks of entanglement associated with this type of operation. She also pointed out that no comparable open ocean aquaculture exists nor has ever been monitored for whale impacts in a comparable high-density whale habitat area. Jeff Walters expressed concern with the area of the footprint of the cages and mooring array (approximately 80 acres for both proposed cages). Teri Leicher asked if the company had considered different locations. Mr. Chambers responded that POV had considered alternate locations, but this one was ideal for their operations. Adam Pack asked about the effects of the effluent from the cages, and Bill Friedl asked what safeguards would be included if the project were approved. There was some discussion about the approval process of the project. **ACTION:** Ms. Leicher asked to have Kona Blue Water and Cates International (existing aquaculture facilities) make a presentation to the Council at the next meeting. **ACTION:** A motion by Dick Poirier was made to refer this topic to the research and conservation committees.

### **Discussion on Reports and Updates**

#### **Chair's Report:**

Mr. Coon asked the Council members to review the Action Item Report (see attachment 1).

#### **Sanctuary Manager:**

Naomi McIntosh submitted a written report (see attachment 2). Ms. McIntosh showed a video from the Hi'ialakai education cruise.

#### **Sanctuary Co-Manager:**

Sanctuary Co-Manager, Dr. Jeffrey Walters, submitted a written report (see attachment 3). Dr. Walters said followed up on a request from the last Council meeting, and stated that there have only been two cruise ship violations that have happened since the State's Memorandum of Understanding was in place.

#### **Conservation Committee:**

Lou Herman, Conservation Committee Chair, did not submit a written report. Dr. Herman referred to his report from last meeting that included a section on fish farms. He said that the Conservation and Research committees are planning a conference call to address the Council's aquaculture concerns.

**Research Committee:**

Marc Lammers, Research Committee Chair, did not submit a written report. Dr. Lammers mentioned that the matrix that was not attached to the last report is now in the minutes.

**Education Committee:**

Jeanne Russell, Education Committee Chair, submitted a written report (see attachment 4). Ms. Russell reminded the Council that the Committee would be holding a meeting following the Council meeting.

**Honolulu County:**

No report was submitted. Bill Friedl, Honolulu County representative, said that he felt that the outreach events that have been happening on Oahu have been outstanding.

**Kaua'i County:**

No report was submitted. Don Thornburg, Kauai County representative, also thanked Jean Souza for all of her education efforts around the island.

**Maui County:**

No report was submitted. Richard McCarty, Maui County representative, said that there is now a video about the fishpond adjacent to the HIHWNMS Maui site, and that the restoration effort will be starting this month.

**Hawai'i County:**

No report was submitted.

**Change Committee:**

No report was submitted.

**Program Development Committee:**

No report was submitted, however Dick Poirier, Chair, reminded everyone that there was an action item on the agenda.

**Vessel Collision Working Group:**

No report was submitted. Jim Coon answered some questions on the anonymous reporting effort. Marc Lammers suggested that the working group look at some of the data to see what aspects might be missing for next year.

**Unfinished Business**

- Hawaii Superferry Follow Up—Terry White sent a draft of Hawaii Superferry's Whale Avoidance Policy (see attachment 5) to the Council via email before the meeting and provided a quick overview of the policy and answered questions from the Council. The Council discussed the changes made to the policy and Marc Lammers thanked Hawaii Superferry for making the effort to reduce the maximum speed during

- whale season. Mr. White emphasized that the policy is a living document, and if changes need to be made they could be. **ACTION:** A motion was made by Jerry Norris and seconded by Don Thornburg to send a letter and a copy of the resolution to those listed in the resolution and send a press release stating that the Council recognizes that this meets the requirements of the resolution from the meeting on March 17, 2005 and speaks to the minimum requirements for whale avoidance that the Council deems to be appropriate. The motion passed with 15 ayes and 0 nays, and Terry White and Dean Watase recused themselves from voting.
- Update for Pump-Out Facilities—Mr. Coon informed the Council that renovations are planned at Ma`alaea Harbor on Maui, however there is no plan to install a pump-out facility. He suggested that the Council write a letter to DOBOR and Peter Young urging them to include pump-out facilities when making the harbor improvements. **ACTION:** Dick Poirier motioned to write a letter to Peter Young urging the inclusion of wastewater discharge facilities in the currently planned improvements statewide. Teri Leicher seconded the motion and it unanimously carried.

### **New Business**

- FY06 Budget Priorities—Dick Poirier, Program Development Committee Chair, sent an email to the SAC asking for program priorities for fiscal year 2006. Jeff Walters submitted a list of suggested priorities. Lou Herman asked that research be included in the priority list. **ACTION:** Mr. Poirier made a motion, and Marc Lammers seconded, to include research as a program priority with specific support to: continue to support SPLASH, support research on basic whale biology and behavior, and support research on current and emerging threats to humpback whales. The motion carried unanimously.
- Meeting Dates—The Council determined the meeting dates for the next year. The Council meetings for 2006 are planned as December 1-2, 2005 (SAC Retreat), January 12, March 16, and May 18 (meetings) in 2006.

### **Public Forum**

- No topics discussed.

### **Announcements**

- None made.

### **Adjournment**

Council Chair, Jim Coon, adjourned the meeting at 2:00 p.m.

## Attachment 1

### Hawaiian Islands Humpback Whale NMS Advisory Council Action Item Report

Action Item	Date	Lead	Accomplishments	Next Steps	Deadline	Completed?
Council members asked to invite Pacific Ocean Ventures to present another council meeting.	17-Mar-05	Keeley	The representative from POV was invited and is presenting at the SAC meeting on May 12.	None	ASAP	Yes
The entire Research Committee Report needed to be provided to the Council as it was missing a page.	17-Mar-05	Keeley	The report was emailed on 28 Mar 05.	None	ASAP	Yes
The Superferry resolution should be signed and distributed to the listed recipients.	17-Mar-05	Jim/Keeley	The resolution was distributed to the Sanctuary managers and asked to be forwarded to the other recipients.	Distribute to listed recipients.	12-May-05	
The Council requested that a copy of the SAC Charter be provided to the members as a reminder of the guidelines relating to member conduct.	17-Mar-05	Keeley	The charter was emailed to the Council members on April 25 and is also available on the website.	Distribute to Council Members.	12-May-05	Yes
Jeff Walters was asked to provide an update on recent cruise ship discharge violations and information on the MOU.	17-Mar-05	Jeff		Provide an update	12-May-05	
A motion passed to expedite the <b>anonymous reporting effort</b> encompassing the Ocean Tourism Coalition and the Research Committee.	20-Jan-05	Naomi	This effort is in progress.	Coordinate with the other groups involved.	17-Mar-05	
The Council voted to write a letter asking DLNR to expedite the installation of <b>ramp signs at all small boat harbors</b> around the state and note that DOBOR is willing to help with installation.	20-Jan-05	Reg	7 signs will be up by Feb. 28, and move quickly to get others up. Versions of signs for self posting, we will print for their use--next week.	Draft Letter--No letter was drafted, however 5 signs were installed as of 5/5/05	17-Mar-05	Yes
Prepare a report <b>evaluating the listing of species within the Sanctuary</b> identifying those of "special national significance" as defined in the Act.		Keeley, Jean	Keeley emailed the report to the group on Jan 31st.	Staff to provide Dr. Haas' recommendations.	3-Feb-05	Yes
	20-Jan-05	Marc	The committee held a meeting to discuss this on Feb 3rd.	Committee to prepare report. Committee meetings are currently scheduled.	17-Mar-05	
Prepare a <b>pros and cons analysis</b> of three proposals: 1) adding a number of individual species; 2) including the entire ecosystem; and 3) treating the presently identified Sanctuary resources as including all the species present within the Sanctuary as Sanctuary resources.	20-Jan-05	Lou, Terry O.		Have a meeting and discuss these options.	17-Mar-05	
Report what efforts have been undertaken to date in <b>support of species beyond the humpback whale</b> , regarding additional species.	20-Jan-05	Jeanne		Prepare report.	17-Mar-05	
Review the <b>protective avoidance measures</b> presently proposed by the Super Ferry and provide a report to the SAC and Sanctuary management.	20-Jan-05	Marc		Prepare report.	17-Mar-05	

Meeting #40

1 of 2

12 May 2005

## Attachment 2

### Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council Manager's Report May 12, 2005

#### **Council Updates**

The Sanctuary Advisory Council's Executive Committee held a meeting via conference call on Wednesday, March 30<sup>th</sup> to discuss the results and action items from the Council meeting that was held on March 17 and to plan the next meeting to be held on May 12<sup>th</sup> in Honolulu.

A call with HIHWNMS staff and Education Committee Chair Jeanne Russell was held on April 11 to work on increasing participation and focus for the Education Committee.

A conference call of the Vessel Whale Avoidance Working Group and former Boater

Outreach Working Group was held on May 5<sup>th</sup>.

Kimokeo Kapahulehua has been nominated by the Hawaiian Islands Humpback Whale National Marine Sanctuary to receive the 2005 National Marine Sanctuary Foundation Volunteer of the Year Award. He has been invited and will be attending the National Marine Sanctuary Foundation Leadership Awards Dinner on June 7<sup>th</sup> in Washington, DC.

## Education and Outreach

### ***Lecture series***

The Maui public lecture for April was held on Tuesday, the 12<sup>th</sup> at the Waleia Marriott. The guest speaker was Mark Ferrari from the Center of Whale Studies. Mark shared stories from his 31 consecutive years of research here in Hawaii and showed a great deal of video. An estimated 140-150 people attended this lecture.

#### **I. Education Center visitors**

The Maui site had five full days of school groups. Two of the five days included opportunities for high school groups to participate in monitoring projects in the fishpond and the remaining three days offered elementary school groups an opportunity to participate in whale and turtle activities and squid dissections.

The Maui office sponsored limu (seaweed identification) education classes for students at the Maui Community College. This is part of a new partnership effort with the college.

Students from a Maui high school have completed GPS mapping of the fishpond wall that fronts the Sanctuary's Maui office. The data will be used by a nonprofit fishpond association group as they begin the restoration process. The students will come back at a future time to remap the wall when it is completed.

Maui site was inundated with school groups during April. Over 350 kids ranging from K-12<sup>th</sup> graders visited the site for monitoring, fishpond, squid dissections and humpback whale lessons.

A local Rotary Club and a youth church group spent Saturday morning participating in sand dune restoration at the Kihei site. Plants are being transplanted as the first step in the removal of the sand dune to make way for the construction of the new building.

#### **II. Watching whales with the Sanctuary**

The sanctuary sponsored an educational "Watch Whales with the Sanctuary" lunchtime hike to Makapuu Point Lighthouse on Oahu. Over twenty people participated in the 30-45 minute long hike to the lookout above the lighthouse. The vantage point offers one the best shoreline location for watching whales on Oahu. Christine Brammer, Oahu Programs Coordinator, and Kristin Wilkinson, Sanctuary Intern, led the hike and taught the participants about the sanctuary and humpback whales. The group spent the morning learning how to spot whales from the shoreline...and spot they did...over 12 humpback whales made grand appearances: blowing, pec slapping, peduncle slapping, and



breaching. It was hard for many members of the group to take a break to eat lunch because there were so many whales to see!

### **III. Ocean Count**

The Hawaiian Islands Humpback Whale National Marine Sanctuary's (HIHWNMS) annual Sanctuary Ocean Count Project was a great success again this year. Over 1500 volunteers participated in this year's count where volunteers watch whales from the shoreline and record their behaviors. This popular outreach effort continues to grow each year and has become a favorite project of many Hawaii residents. Aside from the data that is collected, the project increases awareness about NOAA, the National Marine Sanctuary Program, the HIHWNMS, humpback whales, and Hawaii's precious marine environment.

In April, the Oahu outreach staff continued to work to wrap up the 2005 Sanctuary Ocean Count project. Over twelve hundred people received certificates of participation for taking part in the count on the islands of Oahu, Big Island, and Kahoolawe. Along with their certificates they also received additional information on the Sanctuary, Hawaii's Living Reef Campaign and the Sierra Club's Blue Water Campaign. As part of the wrap-up of this project, the outreach team is already working to prepare for Sanctuary Ocean Count 2006!

### **IV. Other School Based activities**

The sanctuary also sponsored a School-Based Ocean Count at the Makapuu Point Lighthouse. This event was led by Education Specialist, Carey Morishige, and Sanctuary Intern, Breena Martin. The goal of the School-Based Ocean Count is to get students involved in data collection and monitoring efforts while teaching them about humpback whales and the sanctuary. Approximately 20 students participated in the day's event. Students taking part were from Hoala School in Wahiawa on Oahu. The students had a great time thanks to the large number of humpback whales making an appearance in the area.

#### ***Whales after School***

The Hawaiian Islands Humpback Whale National Marine Sanctuary kicked off a new program entitled "*Whales After School*" this year on the island of Oahu. "*Whales After School*" was designed to give students that attend after school programs the opportunity to participate in a hands-on learning program about humpback whales and the marine environment. The program was offered each Tuesday and Thursday afternoon during the months of February, March, and April. Sessions lasted approximately an hour and a half and varied somewhat depending upon the size of the group(s). The program consisted of a variety of hands-on activities related to art, literature, and science, information about humpback whale migration, behavior, biology, and how we can protect Hawai'i's humpback whales and other marine protected species. To promote the program, Oahu Programs Coordinator, Christine Brammer, and Education Specialist, Carey Morishige, presented information to the program coordinators of the Oahu Kamaaina Kids and A+ after school programs. Also, near the end of March, the Star Bulletin included a full-page feature story on the new program, which helped to promote it further among other non-traditional type after school programs. In order to make the program a success, it

required the work of one full-time staff person (Christine Brammer), one part –time staff person (Carey Morishige), and two part-time student interns from the University of Hawaii’s Marine Option Program (Breena Martin and Kristin Wilkinson). Also, on occasion, other staff and volunteers assisted in preparing materials and helping with art activities. With over 1,000 children taking part in this new program, many of which were in areas of the island different from those where education programs such as this are usually offered, the Oahu Education staff considers this program a huge success. In addition to reaching the children, the program also offered information to the families of those that attended, thereby extending the information on humpback whales, the sanctuary, and Hawaii’s marine protected species to more than just participants. This was a great way to get the word out to local families around Hawaii. Here’s a look at the schools that were visited: Mililani Kids Clubhouse, St. Theresa School, Pearl Harbor, Hickam, Kahuku, Laie, Mokulele, Kamehameha, Puohala, Waialae, Hoala, and Montessori Community School.

### Science and Rescue

David Mattila, the HIHWNMS Science and Rescue coordinator, attended the 6<sup>th</sup> annual meeting of the Southern Ocean Whale Research Consortium, in Auckland New Zealand, as an invited participant. He presented the results of two marine mammal surveys of the waters surrounding Tutuila Island, American Samoa. These surveys were supported by the FBNMS, HIHWNMS and the Center for Coastal Studies. During the workshop portion of the meeting, several exciting “matches” of identified humpback whales were found to Tonga, Moorea and the Cook Islands, further helping to piece together the puzzle of the population structure of Southern Ocean humpback whales.

After the meeting, David gave a seminar in large whale entanglement (and rescue) at the request and sponsorship of the New Zealand Department of Conservation. The seminar was held in the meeting house (Marae) of the Ngai Tahu tribe of Kaikoura. They are the Maori tribe that run the preeminent whale watching business in New Zealand, and they have been experiencing a growing number of humpback whale entanglements during their migration through the area.

In April, David Mattila and Naomi McIntosh participated in the National Marine Mammal Stranding Conference hosted by NOAA Fisheries in Lansdowne, VA.

### Partnerships

The Maui Sanctuary office is working with other environmental groups on Maui to create a naturalist training program for volunteers and naturalists. A 12 week lecture series will be offered. Participants may take this for general knowledge or may take a test and receive a certificate. The series will be repeated throughout the year.

The sanctuary participated in the Waikiki Aquarium's 101st Birthday Event from 9:00 a.m. to 4:30 p.m on Saturday, March 19. The Waikiki Aquarium offered a reduced rate to both members and the public throughout the event. A variety of environmental organizations were on hand to offer ocean-related activities in addition to other activities including an Easter "Sea Hunt". Also, the Waikiki Aquarium unveiled two new exhibits

during the day and offered multiple talks on Hawaiian monk seals and other ocean animals. This is just one of many events that the Waikiki Aquarium and the Hawaiian Islands Humpback Whale National Marine Sanctuary support each other on throughout the year.

The Hawaiian Islands Humpback Whale National Marine Sanctuary in partnership with the National Marine Sanctuary Foundation produced an 11-minute video to be aired on the hotel visitor channel in 12,000+ hotel rooms in Waikiki on Oahu. The video will air 7x a day. Network Media, a company that manages production of programs for Waikiki hotels will be donating the airtime to the Sanctuary at a value that has been estimated at approximately \$20K per month.

Maui volunteer coordinator, Amy Hellrung along with several Sanctuary volunteers participated in the Maui Ocean Center's 7<sup>th</sup> anniversary celebration on Saturday, March 19. The Sanctuary provided an educational booth with materials about the sanctuary and its resources. There were several activities for the children such as whale hats and sea creature necklaces. An estimated 500-600 people attended the event at the ocean center for this celebration.

The Hawaiian Islands Humpback Whale National Marine Sanctuary recently co-sponsored an evening of marine mammal lectures with the Hawaiian Islands Stranding Response Group (HISRG). The lectures, which focused on genetic studies on dolphins and current research (SPLASH) on humpback whales, were held at the Sanctuary's new Hawaii Kai office. It was the first entirely public venue that the Sanctuary hosted here and the results were excellent with well over forty people in attendance. The Sanctuary will continue to partner with HISRG on these types of projects in the future.

The Maui office is one of three participating agencies with NOAA Fisheries that responds to turtle strandings on Maui. Stranded turtles are removed from the water/beaches and sent to Oahu for further analysis. A turtle stranding workshop was held to train new volunteers in this community project.

#### V. E Malama I Ke Kai Evening at the Hanauma Bay Nature Preserve

The Sanctuary partnered with the Hanauma Bay Nature Preserve and Sea Grant's Hanauma Bay Education Program to host an evening event entitled "E Malama I Ke Kai" (*Caring for the Ocean*) at Hanauma Bay. The event featured speakers who focused on educating the public about community efforts to care for Hawaii's oceans. Topics included ocean education, marine debris, water quality (Sierra Club's Blue Water Campaign), and alien algae. In addition, other environmental organizations were invited to set up posters and displays showing their current efforts and other booths offered educational activities for children. This is the fourth quarterly event that the sanctuary has co-sponsored with Hanauma Bay

#### A. Hawaii Youth Services Conference

The sanctuary set up a display and talked to students about volunteer opportunities at the recent Hawaii Youth Services Conference, which was held in Honolulu. Students from colleges and high schools around the state took part in the annual conference, which

works to promote service learning for a variety of ages, through a variety of organizations. This is the first year that the sanctuary participated in this event. Approximately 300 students attended.

#### B. Kokua Festival

The Sanctuary participated in the Kokua Hawaii Festival that took place at the Waikiki Shell this past weekend. This festival was held in conjunction with the Jack Johnson concert which also included many other local entertainers that performed free of charge. The Kokua Festival is a benefit event that brings together environmental organizations, eco-friendly businesses, musicians, and artists. This is the first time the Sanctuary participated in this event and it provided an opportunity to reach a new and different audience.

Wednesday, April 13 was the Kokua Festival on Maui. Alastair Hebard and Aligon Ligon represented the HIHWNMS at an environmental booth at the festival. The Kokua Festival hosted different environmental groups, eco-friendly businesses, musicians, artists, teachers, and community leaders in support of environmental education in Hawai'i.

#### *Earthday Events*

The Sanctuary participated in Outrigger Hotels & Resorts' Earth Day event that was held at the Outrigger Reef hotel in Waikiki. The educational and informational booth represented the Hawaiian Islands Humpback Whale National Marine Sanctuary as well as the National Marine Sanctuary Foundation since the Foundation has an official partnership with Outrigger Hotels & Resorts. The event also involved a variety of other environmental organizations from around Oahu.

Hawaiian Islands Humpback Whale National Marine Sanctuary staff, David Nichols and Keeley Belva, helped to staff a booth at an Earth Day celebration on the island of Moloka'i on Friday, April 15th. This is an annual event that is sponsored by The Nature Conservancy of Hawai'i and the theme for this year's event was Lehulehu A Manomano Ka Malama Moloka'i, which means "uncountable are the ways to care for Moloka'i". The booth had children's activities and Sanctuary information.

The Maui office hosted its first annual Earth Day Celebration on Saturday, April 16 from 10-3pm. Groups that participated in this event were; 'Ao'ao O Na Loko I'a O Maui, Big Brothers Big Sisters Maui, Boys and Girls Club, Coastal Zone Hawai'i, Hawaii Wild Life Fund, Maui Ocean Center, Pacific Whale Foundation, Recycle Maui County, Surfrider Foundation, Kihei Youth Center, Kihei Canoe Club, Project S.E.A. Link, and the United States Coast Guard. Groups that participated were required to bring a craft project or a game for the keiki. Family activities included fishpond data collection, storm drain stenciling, and a sand dune restoration project. An estimated 400 people visited the Sanctuary for this event.

Justin Viezbicke, Marine Conservation Coordinator, and Christine Brammer, Oahu

Programs Coordinator represented the sanctuary at three different events on the Big Island. The first event was co-sponsored by the Sanctuary and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The evening event entitled "E Malama I Ke Kai" (caring for the ocean) was held at the Hilo Mokuapapa Discovery Center. The event featured speakers on local environmental issues and also had a variety of displays and activities available for participants to enjoy. This is the second year the Sanctuary hosted this event and it was deemed a definite success. The second event was the Hilo Earth Day. The Sanctuary hosted a booth at the always popular Hilo Earth Day which is held each year on the campus of Hawaii Community College and University of Hawaii at Hilo. Thousands of people attend this all-day event including many students and the general public. The Sanctuary's booth offered information on the HIHWNMS as well as the NWHICRER. On Sunday, the Sanctuary took part in Kona Earth Day. This event was held at the Kahaluu Beach Park on the Big Island and also on the neighboring Ohana Hotels property, the Keauhou Beach Resort. The event featured a variety of different environmental organizations that offered educational projects for children and families. In addition, the Sanctuary helped to coordinate a new section to the event this year which included lectures on local issues and on-going slideshows.

On Oahu, Sanctuary student interns took part in Pearl Harbor Earth Day. The event was very successful and the Sanctuary's booth which featured a variety of children's activities was very popular. This event also gives the Sanctuary an opportunity to meet and educate Hawaii's large military community.

#### *Partnership development with Cox Radio*

Christine Brammer, Oahu Programs Coordinator, attended a meeting with Cox Radio, Inc. to discuss future collaborative opportunities. Cox Radio owns 2 AM and 4 FM stations in Hawaii, including KCCN, KINE, KRTR, and KPHW. NOAA Public Affairs Representative, Delores Clark, coordinated the meeting, which included representatives from each of the NOAA offices in Hawaii. Cox Radio is interested in working with NOAA to spread important messages to the public. At this stage, each agency has been invited to pursue the relationship further on their own and at some point a larger scale effort related to all of NOAA in Hawaii may be considered.

#### *Year of the Living Reef - Coral Reef Outreach Network*

Christine Brammer, Oahu Programs Coordinator, attended and represented the Sanctuary at the Coral Reef Outreach Network (CRON) meeting, which was held in the Reserve/Sanctuary conference room. The Year of the Living Reef public awareness campaign is up and running in Hawaii and CRON members spent time during the recent meeting discussing what they have done to date to spread the word about the campaign. This summer the CRON will be hosting a banquet to honor the "Living Reef" award recipients, which are being designed and donated by Tiffany's. During the meeting, the network participants also were able to view the draft of a new public service announcement that is being developed. For more information on the year of the living reef please visit: [www.hawaiiireef.org](http://www.hawaiiireef.org).

### *Hi`ialakai Education Cruise*

HIHWNMS is working in partnership with the NOAA ship Hi`ialakai which will take on a new task by providing an education platform for students in Hawaii to learn about our islands ocean environment. During the week of May 2<sup>nd</sup>, the Hi`ialakai will sail on a dedicated education cruise in the main Hawaiian Islands. The ship will visit the islands of Hawaii, Maui, Lana`I and Moloka`i. On each island visited, 40 high school students and teachers will spend a day at sea participating in marine biology and oceanographic activities. Students and teachers will focus on monitoring the humpback whale habitat through hands on activities using water quality monitoring techniques, plankton tows,

### **Miscellaneous**

Maui hosted a “End of Whale Season” volunteer luncheon. Many of our volunteers are here for the winter and migrate back to the mainland just as the whales do. David Mattila, our science and rescue coordinator entertained the group with video and stories of this year’s whale research accomplishments.

#### C. Marine Option Program Symposium 2005 Hilo, Hawaii

The 22<sup>nd</sup> annual Marine Option Program Symposium took place on April 9 -10<sup>th</sup>, at the University of Hawaii, Hilo. Interns Kristin Wilkinson, Breena Martin, and Duilia Mora made a presentation about Ocean Count 2005 and their responsibilities while working for the Humpback Whale Sanctuary. Over 20 speakers from University of Hawaii, Manoa, Windward Community College, Maui Community College and University of Hawaii, Hilo presented information on research and internships throughout the Spring 2005 semester. Overall, 30 people attended the symposium.

#### D. Sanctuary recognizes March Safety Month

As part of safety activities for the month of March, the staff at the sanctuary’s Maui office reviewed safety issues and procedures for emergency response at the site. An evacuation seems pretty straight forward, but can be very complicated given the public use at the Maui site. The responsibility of all the staff is not only for their own safety, but insuring public safety. By pre-planning, drills, and assignments an evacuation will go much smoother and everyone will know their responsibility. Various scenarios were discussed and what everyone responsibilities are in those situations. Other safety issues that were discussed included traffic safety, emergency lights, fire plans and staff safety.

Paul Wong attended a two-day retreat for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council.

Keeley Belva, Advisory Council Coordinator, spent most of last week at Fagatele Bay National Marine Sanctuary, helping the staff there to prepare for their first Sanctuary Advisory Council meeting that will be held in a couple of weeks. She assisted in preparing materials for the meeting and in outlining the agendas for the next few meetings.

Jerry Stowell has also been nominated by the National Marine Sanctuary Pacific Region to receive the 2005 National Marine Sanctuary Foundation Volunteer of the Year Award.

He has also been invited and will be attending the National Marine Sanctuary Foundation Leadership Awards Dinner on June 7<sup>th</sup> in Washington, DC.

### **Heads up**

National Marine Educators Association 2005 meeting will be held on Maui, Hawaii, July 11 to July 15, 2005. For more information visit:

<http://www.hawaii.edu/mcc/oceania/NMEA05.html>

Capitol Hills Ocean Week will be held in Washington, DC June 7 to 9, 2005. For more information please visit the National Marine Sanctuary Foundation website at:

[www.nmsfocean.org](http://www.nmsfocean.org)

### **Attachment 3**

May 10, 2005

### **MEMORANDUM**

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager, Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR)

Subject: HIHWNMS state office update for the period of March 5, 2005 through May 10, 2005 (Prepared for the May 12, 2005, Council meeting).

#### **Boater Outreach Project**

Overview of this season's accomplishments:

*Hawaii Fishing News Article* – December 2004 – This 2-page article in Hawaii's most popular fishing publication featured information on vessel strike risks and provided guidelines for boaters to avoid ship strikes.

*Boat Ramp Signs* – Five aluminum signs providing vessel collision avoidance guidelines and information about the 100-yard approach rule were produced. Installation at Haleiwa, Maalalea, Lahaina and Honokohau Small Boat Harbors and the Mala Wharf ramp was completed by the end of March.

*Boat Ramp Sign Posters* – Poster size versions of the sign were printed and laminated for display at various bulletin boards around the state. Over 30 posters have been distributed to sanctuary staff and SAC members in all counties.

*Presentations at Safe Boating Seminar and Oahu Boat Show* - On January 22, the sanctuary co-manager gave a presentation on "Safe Boating around Marine Wildlife" at a half-day boat safety seminar hosted by the NOAA Hawaii Kai sanctuary office in collaboration with the Hawaii Ocean Safety Team (HOST), the US Coast Guard and other organizations. Sanctuary staff will also give this presentation on both days of the Oahu Boat Show in Ko'olina on May 14 and 15.

*TV News Coverage* – Photos of a calf injured by a boat propeller prompted several news stories on KGMB (CBS), KHON (NBC) and KITV (ABC) regarding the risks of vessel-whale collisions. The stories, which ran from March 2 through March 15, featured the new boat ramp signage and the ship strike avoidance guidelines.

*Maui News Article* – March 4, 2005 - The boat ramp sign was featured in a full-color front-page Maui News article about the injured calf mentioned above.

**Next Steps** - Over the summer, the state sanctuary office will take the lead on working with the vessel-whale working group, federal sanctuary staff, and other partners and stakeholders on the following products:

*Rack Card* – A full-color, 2-fold card with collision avoidance guidelines on the outside and a species ID guide for common marine mammals of Hawaii on the inside.

*Wheelhouse Flyer* – A waterproof 11" x 17" version of the boat ramp sign is under development for distribution to boaters who keep document binders on board.

*Kayak Paddle Sticker* – A sticker designed to be placed on the shaft of a kayak paddle informing kayakers about the 100-yard approach rule is under development.

*DVD* – In the long-term, a DVD with "chapters" on vessel-whale collision avoidance and other conservation information will be developed and distributed. The DVD is intended in part to serve as a companion to the sanctuary's popular "Ocean User's Guide."

### **Education and Outreach**

State office staff David Nichols and Justin Viezbicke continued to be active in a variety of education and outreach activities during the reporting period. On March 27, Justin partnered with Hawaii Ocean Sports in conducting a plankton tow and microscope examination for Waikoloa Elementary School students. Justin and volunteers set up whale watch stations at Waipio Valley for Honokaa eighth graders on March 29. David assisted Oahu programs coordinator, Christine Brammer, at the Hanuama Bay evening event, E Malama I Ke Kai, on April 9. David also joined SAC coordinator, Keeley Belva, running a booth at the April 16 Earth Day event on Molokai. Justin ran a booth with Chris Brammer at the NWHI CRER Mokuapapapa Discovery Center on the evening of April 21. On April 22, Justin worked with Chris Brammer, running a booth at the Earth Day event at UH Hilo. On April 24, Justin and Chris ran a booth and coordinated presentations at the Kona Coral Reef Awareness Day. David and Justin also provided essential support before and during the sanctuary's educational cruise aboard the NOAA ship R/V Hi'ialakai, May 2 – 6. David will join Chris Brammer running a booth and giving presentations on safe boating around marine wildlife at the Oahu Boat Show at Ko'olina, May 14 and 15.

### **Marine Mammal Stranding and Entanglement Response**

Aside from fielding and responding to a few monk seal haul out calls, state sanctuary staff were not involved in any stranding responses over the reporting period.

West Hawaii coordinator, Justin Viezbicke, coordinated a HISRG dolphin capture and transport training at Dolphin Quest Hawaii, Waikoloa on March 5. On March 24, Justin hosted a HISRG meeting re running a booth at the Kona Discovery Day in June. Justin also set up the April 5 HISRG volunteer meeting at the Outrigger Keauhou.

### **Open Ocean Aquaculture (Mariculture) Projects**

Kona Blue Water Farms, Keahole Pt., Big Island – The project has completed its initial installation phase and has stocked two underwater pens with juvenile kahala. West Hawaii coordinator, Justin Viezbicke, has continued his shore-based monitoring efforts to detect any gross changes in whale abundance or behavior around the mariculture site relative to a nearby control site. Only one whale has been observed near the cage site during the installation phase. No other whales were observed near



the site or in the control area. Monitoring will cease by or before the end of May as the whales appear to have largely departed the Kona coast waters for this season.

Pacific Ocean Ventures, Ukumehame Gulch, Maui – We learned that the proponents of this proposed project recently surveyed areas along the Kona coast for a possible alternative sites. The presentation scheduled for this Council meeting may provide an update on the status of this proposed project. Given the extremely high humpback habitat value and high current ocean use levels at the proposed Maui site location, the state sanctuary office will continue to have serious concerns regarding the approval of any mariculture operation in the area. We will remain ready to consult with the applicant regarding a more whale-friendly location for this proposed activity.

### **Monk Seal Conservation**

The state office is happy to announce that Michele “Mimi” Olry, DVM, has joined our team as the new Kauai Marine Conservation Coordinator! Working in coordination with the Kauai sanctuary office and Kauai programs coordinator Jean Souza, Mimi will be representing DLNR and NOAA in various marine protected species conservation activities including responding to strandings, conducting education and outreach, facilitating volunteers, etc. The bulk of her work will focus on managing monk seal haul outs and puppings. As you might recall, this position is funded by NOAA Fisheries PIRO via the sanctuary’s contract with DLNR. Dr. Olry has a BS with highest honors in biological sciences from Cal Poly and a DVM from UC Davis. She spent much of her childhood on Kauai before moving to the west coast for school and work. She has a wide range of experience in wildlife veterinary care and conservation, including a recent stint in Borneo rehabilitating orangutans. Most recently, she has been working on Kauai as a substitute teacher and volunteering with the sanctuary, the Koke’e Resources Conservation Program, the Hawaiian Islands Stranding Response Group, and other organizations. The state office looks forward to introducing Mimi to the Council at a future meeting.

### **SPLASH Research Assistance**

Field research activities have ceased in the Main Hawaiian Islands after a relatively successful season of fluke ID photo and biopsy sample collection by six research groups contracted with NOAA funds administer by the state office. It is anticipated that the state office will once again administer SPLASH research activities in the Main Hawaiian Islands during the winter of 2005-2006, the project’s last winter season.

### **Hawaii Superferry**

At the eleventh hour, the state Legislature put back into the budget bill the \$40 million for harbor improvements necessary for Superferry operations. Assuming this remains and the Governor signs the bill, this would put the Superferry back on track as far as infrastructure requirements are concerned. The status of the lawsuit filed against the Superferry by Maui environmental groups is unknown at this time.

### **Water Quality - Cruise Ship Wastewater**

HB422 was passed by the Legislature and transmitted to the Governor on May 5, 2005. The purpose of the bill is to protect Hawaii’s marine environment from pollution associated with discharge from cruise ships. The bill prohibits discharge of untreated sewage from commercial passenger vessels with certain exceptions for emergency safety situations. There are also reporting and monitoring provisions included in the bill.

At the time of this writing it was not known whether the Governor would sign this bill, but the state's lead agency on the measure, the DOH, testified against it at every hearing.

In response to the Council's request at its March 17, 2005, meeting, telephone inquiries were made to the DOH environmental management division and the Hawaii representative of the Northwest Cruise Ship Association (NWCA), Mr. Charles Toguchi, regarding wastewater discharges that were not in compliance with the MOU between the DOH and the NWCA. Mr. Toguchi reported that over the past year, only two minor incidents occurred. Both incidents involved the discharge from Norwegian Cruise Line ships of small quantities of clear, treated effluent from onboard advanced wastewater treatment systems. One of these incidents occurred about 1 mile from Hilo harbor in the Fall of 2004, and the other incident occurred in Honolulu harbor in early 2005. Aside from these two incidents, Mr. Toguchi indicated that over the past year, no other discharges had occurred that were not in compliance with the MOU. The DOH environmental management division subsequently confirmed all of this information

#### **US FWS Grant for State Aquatic Wildlife Conservation Strategy**

The state office continues to administer the US Fish and Wildlife Service's (US FWS) State Wildlife Grant to develop a conservation strategy for Hawaii's aquatic wildlife. Dr. Dwayne Meadows has been hired to serve as the Aquatic Wildlife Conservation Planner and Ms. Austin Lane Kane has been hired to serve as the Assistant wildlife Conservation Planner. Dwayne and Austin are working hard to develop the list of priority wildlife species to be included in the strategy. A fact sheet about each species is being developed for inclusion in the strategy. A draft version of the strategy is expected to be completed and available for Council review and comment by June 2005.

#### **Other Activities, Meetings, Etc.**

- 1) March 8 – Co-manager attended vessel operators evening meeting regarding vessel-whale collisions hosted by Pacific Whale Foundation at Maalaea Harbor, Maui.
- 2) March 16 – 17 – State staff participated in the vessel-whale collision workshop and SAC meeting on Maui.
- 3) March 24 – Co-manager met with W. E. "Matt" Dillon of Rainbow Island Express regarding his company's plans to run a hover craft ferry service in Hawaii.
- 4) March 26 – West Hawaii coordinator visited sanctuary ocean count sites along the Kona coast.
- 5) March 28 – Co-manager joined selection committee conducting interviews for Kauai marine conservation coordinator position at Kauai sanctuary office.
- 6) March 29 – 30 – Oahu specialist participated in the NOAA Fisheries wilderness safety training.
- 7) April 1 – Co-manager met with NOAA Fisheries PIRO ARA for Protected Resources, Tamra Faris, re finalizing two marine wildlife PSA's produced with NOAA Fisheries funding.
- 8) April 12 – Oahu specialist represented the sanctuary at the Governor's proclamation of Hawaii's environmental education week.
- 9) April 13 – Co-manager facilitated DAR staff video conference call with neighbor island offices regarding the state wildlife conservation strategies and other issues.
- 10) April 19 – 23 – Oahu specialist represented the sanctuary at the NMSP oil spill response drill in the Florida Keys.
- 11) April 21 – Co-manager attended Hawaii Watchable Wildlife program steering committee meeting.

- 12) April 21 – Co-manager met with Paul Fitzgerald of Granada Factual film production company regarding the possibility of filming a new Animal Planet wildlife rescue series in Hawaii.
- 13) April 26 – Co-manager attended staff meeting regarding the FY 06 sanctuary budget.
- 14) May 5 – Co-Manager attended NMSP Pacific Islands regional program coordination meeting.
- 15) May 6 – Co-Manager attended the inter-agency draft management plan review meeting of the proposed NWHI CRE Sanctuary.
- 16) May 9 – West Hawaii coordinator and co-manager attended FY 06 staff education and outreach planning meeting.
- 17) May 10 – state Kauai coordinator traveled to Oahu to meet with Oahu DAR and NMFS staff regarding monk seal haul out response, population monitoring, and other duties.

cc: Peter T. Young, DLNR Chairperson  
Francis G. Oishi, Acting DLNR-DAR Administrator  
Allen Tom, NMSP Pacific Islands Regional Coordinator  
Naomi McIntosh, Sanctuary Manager

#### **Attachment 4**

### **Education Committee Report**

May 9, 2005

Jeanne Russell, Chair

On April 11, 2005, a conference call was held with Jean, Chris, Naomi, Keeley, Patty and I in attendance. The topic of the meeting was to discuss areas and direction that the Education Committee can take to best aid the Sanctuary. One area that the Education Committee could help the SAC with was to critique what already was being done and to make suggestions for or against. In order to do this effectively, the Education Committee needed to be brought up to snuff on what the sanctuary was already doing. Therefore, It was determined that a power point presentation on what the sanctuary was doing would be presented at the next Education Committee meeting. This presentation is open to all who wish to attend and it will be held after the next SAC meeting on May 12, 2005 at 2:00 p.m. It also was decided that a presentation would be made every year before the whale season to bring the SAC up-to-date and for evaluation.

The purpose of the Education Committee is to

- Give priorities for budget planning
- Address any emergent issues
- Educate the public
- Identify new programs
- Bring creative new ideas
- Evaluate what is currently being done – What is it that we are teaching? What are other agencies doing?

**Attachment 5**



*Hawaii Superferry, Inc.*

## **Whale Avoidance Policy & Procedures**

**May 2005**

**Draft**

### **Table of Contents**

1. Background
2. Vessel design & features
3. Routing & operations
4. Watch staffing and observation equipment
5. Whale avoidance maneuvering procedures
6. Log keeping & whale encounter procedures

**Page 1**

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## 1. Background

Congress, in consultation with the State of Hawaii, designated the Hawaiian Islands Humpback Whale National Marine Sanctuary on November 4, 1992. The Hawaiian Islands National Marine Sanctuary Act identified the following purposes for the sanctuary: to protect humpback whales and their habitat within the sanctuary; to educate and interpret for the public the relationship of humpback whales and the Hawaiian Islands marine environment; to manage human uses of the sanctuary consistent with the Hawaiian Islands National Marine Sanctuary Act and the National Marine Sanctuary Act; and to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the sanctuary.

Sanctuary waters (pink areas below) are largely defined by shallow areas favored by the Northern Pacific Humpback whales during their breeding and calving season in Hawaii.

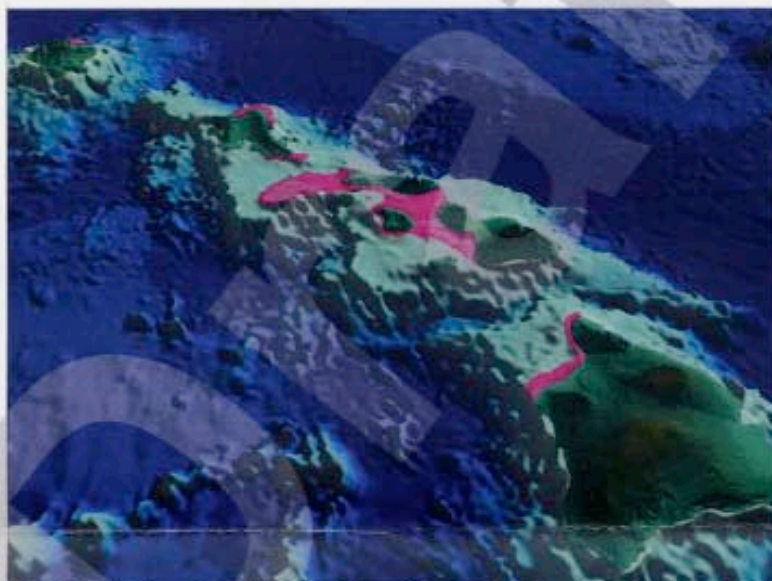


Fig. 1: Hawaiian Islands Humpback Whale National Marine Sanctuary

Seasonally migrating northern pacific humpback whales swell Hawaii's cetacean population by over 5,000 animals and compose the vast majority of Hawaii's cetacean population during the winter season when the whales are breeding & calving in Hawaii's warm waters. (Dr. Joe Mobley, Distribution & Abundance of Humpback Whales).

Approximately 90% of humpbacks in Hawaii inhabit shallow waters less than 100 fathoms (600 feet, 183 meters) conducive to breeding and calving behaviors. See Fig 2. (Mobley, ibid)



Fig 2. Hawaii's humpback whale distribution from aerial surveys 1993-98  
Source: Dr. Joe Mobley, University of Hawaii.

The following procedures are to be followed during the months of peak whale population in the Hawaiian Islands, generally, from January through April inclusive.

## 2. Vessel design & features

Certain features of Hawaii Superferry vessels help reduce impact to whale habitats and can specifically reduce the chance of striking a whale.

A. Vessels do not discharge any wastewater in Hawaiian waters.



B. Vessels project a small below-the-waterline cross-section (e.g. shallow draft, slender hulls) to reduce the "swept area" which may strike a whale and therefore reduce the chance of strikes.

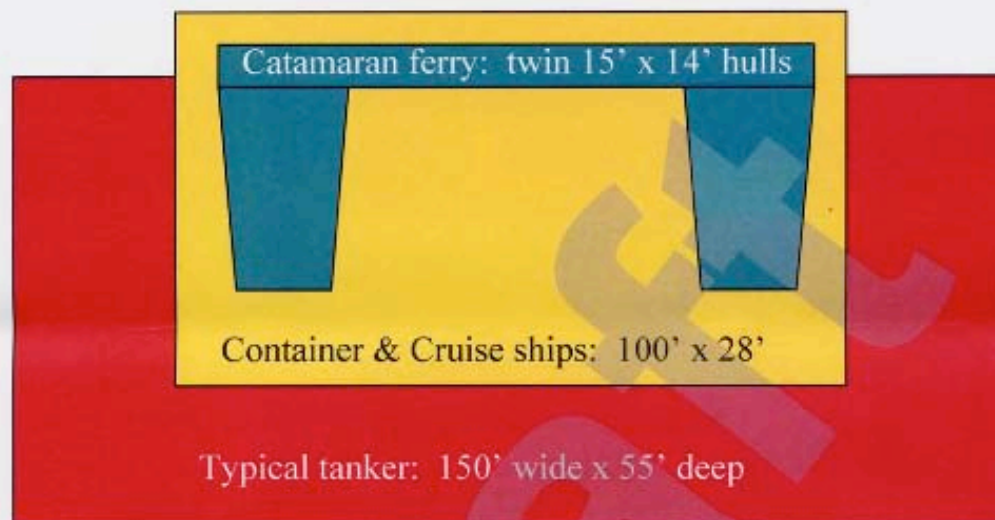


Fig. 3 Example of small cross-section vessel technology (green outline)

C. Vessels have no propellers thereby reducing a source of potential harm to whales by preventing lacerations.

D. Vessels are highly maneuverable with the ability to turn, slow, and stop quickly to avoid marine mammals and therefore reduce the chance of a strike.

### 3. Routing & operations

A. Avoid whales - never approach under any circumstances.

B. Avoid waters less than 100 fathoms deep when possible. This includes routing North of Molokai on voyages between Honolulu and Kahului whenever possible and routing around Penguin Banks.

C. Operate at a maximum of 25 knots in waters of less than 100 fathoms.



#### **4. Watch staffing and observation equipment**

1. Recommended bridge team staffing
  - a. Two active officers of the watch (not including engineering officers) should be on the bridge at all times.
  - b. Two additional dedicated whale lookouts should be stationed on the bridge to alert watch officers with bearing and range of whale sightings and to assist in tracking efforts
2. Recommended observation equipment
  - a. Visual observation equipment
    - i. Image stabilized binoculars.
    - ii. Class 1 (eye-safe) laser range / bearing finders.
    - iii. Night vision systems and binoculars for operation at night.
    - iv. Digital video camera with at least 8:1 optical zoom lens.
  - b. Electronic observation equipment
    - i. Forward-looking collision avoidance sonar. ( When such systems become commercially available. )
    - ii. X-band radar has been shown to detect humpback whales (Mobley, DeProspero, Project Humpback, 2002) and should be employed and actively observed. Radar with automatic declutter, ATA and ARPA tracking aids are provided on all vessels.

#### **5. Whale avoidance maneuver procedures**

1. Actively seek and identify whales along track line ahead of vessel.
2. Identify course and speed of whales and calculate CPA (Closest Point of Approach).
3. Identify tracks that may come within 500 meter CPA. Change course and/ or speed to maintain a minimum 500 meter CPA
4. If a whale is sighted within 500 meters, maneuver (change course and or speed) until vessel is at least 500 meters away from whale.

5. If a whale appears suddenly in the path of the vessel, execute the appropriate emergency maneuvers to avoid the whales while considering all factors related to vessel and passenger safety.

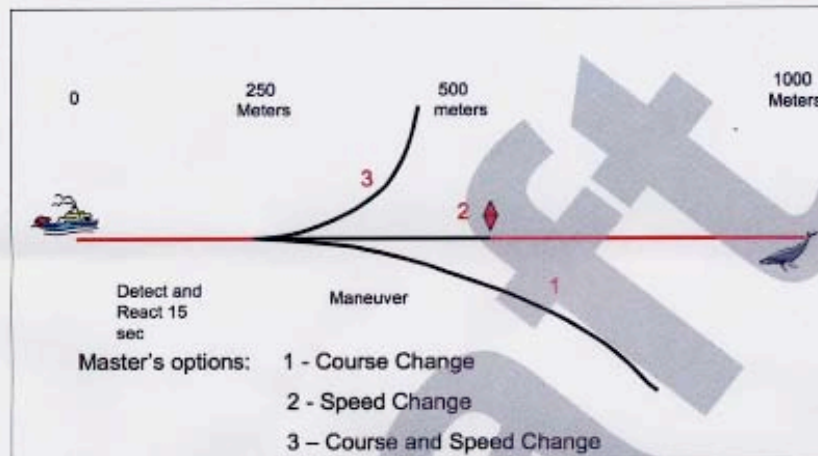


Fig. 4 Avoidance procedure options

#### 5. Log keeping & whale encounter procedures

1. Any encounter in which the vessel is required to execute an emergency maneuver to avoid a whale or any instance in which the vessel approaches a whale closer than 100 yards shall be noted in the vessel's logbook and immediately reported to the Director of Marine Operations by the most expeditious method of communication.
2. If a whale is struck by the vessel additional reports should be made immediately. The master shall call National Marine Fisheries Service, US Coast Guard and the Hawaiian Islands Humpback Whale National Marine Sanctuary. The vessel is to remain in the area as long as practical and, if a still or video camera is available, try to photograph/video the injured animal.
3. A detailed written report is to be submitted to Director of Marine Operations within 24 hours of any such incident. The form of this report will be included in the company forms manual.